

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEAST DIVISION**

| | | |
|-------------------------|---|-------------------------|
| Veronica Burroughs, | : | |
| | : | Civil Action No.: _____ |
| Plaintiff, | : | |
| v. | : | |
| Navient Solutions, LLC, | : | COMPLAINT |
| Defendant. | : | |
| | : | |
| | : | |

For this Complaint, Plaintiff, Veronica Burroughs, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1331(b), in that Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. Plaintiff, Veronica Burroughs ("Plaintiff"), is an adult individual residing in Sikeston, Missouri, and is a "person" as defined by 47 U.S.C. § 153(39).
4. Defendant Navient Solutions, LLC ("Navient"), is a Pennsylvania business entity with an address of P.O. Box 4200, Wilkes-Barre, Pennsylvania 18773-4200, and is a "person" as defined by 47 U.S.C. § 153(39).

FACTS

5. Within the last year, Navient began calling Plaintiff's cellular telephone, number

573-xxx-0717, using an automatic telephone dialing system (“ATDS” or “predictive dialer”) and/or using an artificial or prerecorded voice.

6. When Plaintiff answered calls from Navient, she heard a prerecorded message.

7. In or around February 2017, Plaintiff spoke with a live representative and requested that all calls to her cease.

8. In response, Navient told Plaintiff that the calls would cease only when she made a payment.

9. Thereafter, the automated calls continued.

10. Navient’s calls directly interfered with Plaintiff’s right to peacefully enjoy a service for which she paid, and caused Plaintiff a significant amount of anxiety, frustration and annoyance.

COUNT I
VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –
47 U.S.C. § 227, et seq.

11. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

12. At all times mentioned herein, Defendant called Plaintiff’s cellular telephone number using an ATDS or predictive dialer and/or using a prerecorded or artificial voice.

13. Defendant continued to place automated calls to Plaintiff’s cellular telephone number despite knowing that it lacked consent to do so. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

14. The telephone number called by Defendant was assigned to a cellular telephone serviced by Sprint for which Plaintiff incurs charges pursuant to 47 U.S.C. § 227(b)(1).

15. Plaintiff was annoyed, harassed and inconvenienced by Defendant’s continued

calls.

16. The calls from Defendant to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

17. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call placed in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

18. Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered against Defendant:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
3. Such other and further relief that the Court may deem just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: September 21, 2017

Respectfully submitted,

By: /s/ Sergei Lemberg

Sergei Lemberg, Esq.
LEMBERG LAW, L.L.C.
43 Danbury Road, 3rd Floor
Wilton, CT 06897
Telephone: (203) 653-2250
Facsimile: (203) 653-3424
Attorneys for Plaintiff